

Remarks

After careful consideration of the outstanding Office Action, this application has been amended accordingly, and favorable reconsideration on the merits thereof is respectfully requested.

The original claims of record have all been cancelled without prejudice with respect to the unobvious and unanticipated subject matter thereof which is presently included in the single independent claim of record, namely, claim 20. Claim 20 avoids the Section 112 rejection, as do the remaining dependent claims, and all subject matter recited in the claims of record is illustrated in the drawings. Thus, the objections presented by the Examiner beginning at page 2 of the Office Action, paragraph 1, and continuing through the mid portion of page 5 have been rendered moot. This includes the objection at page 3, paragraph 2 concerning the "abstract of the disclosure" which had earlier been amended in the Preliminary Amendment of October 14, 2004.

One final comment is in order with respect to the Examiner's interpretation of the original claims of record which "appear to be in the form of a Jepson-type claim." As the Examiner correctly noted at the top of page 4, first full paragraph, Claim 1 did not recite the phrase "improvement comprising" and hence was not a "Jepson-type" claim. The claim was typically a combination claim drafted in accordance with European practice,

and all reference to that which is or is not well known is immaterial with respect to new independent claim 20. Independent claim 20 is a **combination** claim directed to a "self-propelled road milling machine" which recites elements of an overall combination and collectively the combination is neither anticipated nor rendered obvious by the prior art, as will appear more fully hereinafter.

Though the Examiner rejected the claims of record based upon Applicant's foreign patent (WO 01/04422 A1), the undersigned will direct his comments to the corresponding US patent (Gaertner et al./U.S. Patent No. 6,877,818 B1).

Before considering independent claim 20, reference is made to the Gaertner et al. patent which discloses two fast exchange systems for milling tubes of the substantially the same width (Figure 3) and for milling tubes of either different or the same milling widths (Figures 4 through 6, 8 and 9). The Examiner dwelled upon Figure 3 in the rejection and at the mid portion of page 6 begins describing the reduction gear unit (22) as comprising a drive output element (32) "whose shell surface (19) forms a seat for milling tube elements (25)." The latter is an incorrect description of Figure 3 in which the milling tube 25 is connected to the roller base body 19 (column 5, lines 48-55). In Figure 3, at the right-hand side thereof, the roller base body 19 is welded to a front side end 43 which is in turn fixed by fasteners

and projections 28 to the milling tube 25. At the left end of the roller base body 19, the same is welded to a radial guide element 26 (column 5, lines 24 through 29). The milling tube 25 is slid upon and supported by the guide element 26 and the guide element 26 is in turn fastened to the drive output element 32 of the reduction gear unit 22, just as the Examiner explained. Therefore, in Figure 3 the guide element 26 forms a seat for the milling tube element 25, but it is readily apparent that the shell surface 19 of Figure 3 does **not** form a seat for the milling tube elements 25, as the Examiner stated. The Examiner's interpretation of Figure 3 from the abstract and pages 9-16 is not supported thereby.

In Figure 4 there is no doubt that the shell surface 19 forms a seat for the milling tube element 25 but does so through the intermediary of a support ring 33 in order to accommodate milling tubes of different widths. However, in all of the embodiments (except Figure 3) which are directed to accommodating milling tubes of different widths, the reduction gear unit 32 is located on the non-driving side, or to the right as viewed in Figure 4, for example.

Returning again to page 6, lines 10 and 11, the Examiner states: "that the roll base body (19) is coupled to the reduction gear unit (22) at the free front face of the drive output element (32)." The latter is true with respect to Figure 3 because, as earlier stated, the roll base body (19) is

welded to the guide element 26 which is in turn fastened by threaded fasteners to the flange of the drive output element 32. However, in Figure 4 the latter is not the case because the left end of the roll base body 19 is supported by bearings internally thereof and externally of the shaft 56 whereas the right end of the roll base body 19 is connected to the reduction gear unit (at 28 and by fasteners to 32). In Figure 3 there is no question of interchanging milling tubes without hindering the same being slid on and off because there is no relationship between the diameters of the milling tubes and the diameters of the reduction gear unit.

The specific limitation in claim 20 directed to the relative diameters just described originally appeared in now cancelled claim 6 and is recited in claim 20 as follows:

said roller base body (14) having a maximum outer diameter that is not greater than the outer diameter of said shell surface (25).

At the bottom of page 6 the Examiner states:

the roll base body (19) does not having [sic] a maximum outer diameter greater than the outer diameter of the output element (32).

The latter is incorrect and is not supported by pages 11-12 and Figure 3, as asserted by the Examiner. Column 5, beginning at line 25 and continuing through column 6, line 4 of the U.S. patent, corresponds to pages 11-12 and Figure 3 of the Gaertner et al. "foreign document." Nowhere

therein is there support for the Examiner's conclusion "that the roll base body (19) does not having [sic] a maximum outer diameter greater than the outer diameter of the output element (32)." Further evidence of the latter is attached Figure 3 to which the undersigned has added double-headed arrows and reference characters MOD and ODSS indicating the maximum outer diameter of the roll base body 19 and the outer diameter of the supporting surface of the output element 32. Most definitely, the roll base body 19 has a diameter MOD in Figure 3 **appreciably** greater than the outer diameter ODSS of the outer surface of the output element 32. In contradistinction thereto, the Examiner need but look at Figure 3 of Applicants' drawings and note that the roll base body 14 has a maximum diameter (generally at 15) which is not greater than the diameter of the surface 26 of the output element 8b. Due to the latter and a comparison with Figure 4, the respective wider and shorter milling tubes 10 can be relatively easily assembled and disassembled absent interference/hindrance.

Inasmuch as Gaertner et al. fails to disclose, anticipate or render obvious the subject matter recited in claim 20, the formal allowance of claim 20 and each of the claims dependent directly or indirectly therefrom is considered proper and would be most appreciated.

In view of the foregoing, the formal allowance of this application at an early date is herewith respectfully requested.

It is believed that no fee is required for this amendment, other than the extension fee which is attached to the petition, and therefore, no amendment fee has been attached. However, if this belief is in error, please charge any fee required for this amendment to the account of the undersigned, i.e., Account No. 50-1716.

Very respectfully,

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Attachment: Figure 3 w/added double-headed arrows and reference characters MOD and ODSS